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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,835	01/22/2004	Paul David Ringgenberg	990122U1D3C1D2USA	5850

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EXAMINER	
COLLINS, GIOVANNA M	

ART UNIT	PAPER NUMBER
3672	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,835	RINGGENBERG ET AL.	
	Examiner	Art Unit	
	Giovanna M. Collins	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *187-218,220 and 221* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *217 and 218* is/are allowed.

6)☒ Claim(s) *187-206,208-216,220 and 221* is/are rejected.

7)☒ Claim(s) *207* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 187- 89,192-194,199,200,202,203,206,208,209,211-216, and 220-221 are rejected under 35 U.S.C. 102(b) as being anticipated by Beck et al. 5,687,791.

Beck discloses (fig. 1a-1c) a formation test assembly positioned in a wellbore of the well, the formation test assembly including an internal chamber (18) divided into first (at 34) and second (20) portions by a fluid separation device (44) during reciprocation within the chamber being sealing engaged with the chamber, the first chamber portion being in fluid communication with first and second (second (at different areas about element 16) zones intersected by the wellbore, and the second chamber portion being in fluid communication with a remote location, the fluid separation device displaces in a first direction in the chamber when formation fluid is flowed in the first chamber portion from the first zone.

Referring to claim 188, Beck discloses a sampler (at 60).

Referring to claim 189, Beck the first chamber portion (at 20) has a greater volume than the sampler (60).

Referring to claim 192-94, Beck discloses a fluid property sensor (64) which can transmit information to a remote location or store it in the formation tester assembly.

Referring to claim 199, Beck discloses the test assembly prevent te formation fluid from flowing to the earth's surface while the formation fluid flows through the test assembly (col. 6, line 46-col. 7, line 12).

Referring to claims 200 and 202, Beck discloses the assembly is interconnected in a tubing string (col. 3 lines 41-43) or electrical conductor (col. 4, lines 9-10).

Referring to claim 203, Beck discloses a formation test assembly positioned in a wellbore of the well, the formation test assembly including an internal chamber (34) divided into first (22) and second (at 34) portions by a fluid separation device (44) during reciprocation within the chamber being sealing engage with the chamber,the first chamber portion being in fluid communication with first and second (at different areas about element 16) zones intersected by the wellbore, and the second chamber portion being in fluid communication with a remote location, inlet (7) and outlet opening (56).

Referring to claim 206, Beck disclose a plug (44).

Referring to claim 208, Beck discloses a packer (22).

Referring to claims 209 and 211, Beck discloses a line to provide communication (col. 7, lines 13-17).

Referring to claim 212, Beck discloses a fluid control device (56 or 70)

Referring to claim 213, Beck discloses an electrically operated fluid control device (col. 6, line 48-52).

Referring to claim 214, Beck discloses a valve (56) selectively permitting and preventing flow.

Referring to claim 215, Beck discloses a fluid control device (56) that selectively regulating a rate of flow therethrough.

Referring to claim 216, Beck discloses a pressure differential between the first zone (at 16) and the first chamber portion (at 20).

Referring to claims 220-221, Beck discloses the flow separation device (44) in response to pressure applied at the remote location displaces in a second direction opposite the first direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 190-191 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck '791 in view of Vaynshteyn 6,173,772.

Referring to claims 190-191, Beck discloses the assembly of claim 187 but does not disclose a perforating gun. Vaynshteyn teaches (fig. 3a) perforating guns (57,82) for perforating first and second zones (32,33). As it would be advantageous to have a perforating gun in order to access the formation if the well is cased, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the system disclosed by Beck to have perforating guns as taught by Vaynshteyn.

4. Claims 195-197, are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck '791 in view of Blake 4,573,532.

Referring to claim 195, Beck does not disclose the sensor is between a tester valve and a circulating valve. Blake teaches the sensors are between a tester valve (at 120) and a circulating valve (at 82). This helps to ensure a good sample is taken. As it would be advantageous to ensure that a good clean sample is taken, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the assembly disclosed by Beck to have the sensor between a tester valve and a circulating valve as taught by Blake.

Referring to claim 196-198,Beck does not disclose the sensor is fluid identification sensor, solid sensors or fluids density sensor, Blake teaches a sampler with a fluid identification sensor, solid sensors or fluids density sensor (col. 2, lines 5-10). As it would be advantageous to verify that the sample contains a good representation of the fluid in the formation, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the system disclosed by Beck to have fluid property sensor as taught by Blake.

5. Claims 201 and 210 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck '791.

Beck does not specifically disclose the test assembly is interconnected to a coiled tubular string. However, Beck does disclose that it is well known in the art to use

coiled tubular with formation testers (col. 3, lines 5-7). As one of ordinary skill in the art would be familiar with the use of coiled tubing with a formation tester, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the assembly disclosed by Beck to have the test assembly connected to coiled tubing.

Referring to claim 210, Beck does not specifically disclose the line is a fiber optic line. However, fiber optic lines are well known methods of communication information to the surface from a wellbore. As one of ordinary skill in the art would be familiar with the use of coiled tubing with a formation tester, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the assembly disclosed by Beck to have a fiber optic line.

6. Claims 204-205 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck '791 in view of McGready '492.

Beck does not disclose a check valves. McGready discloses a check valve between an inlet and outlet openings and a chamber portion. As it would be advantageous to ensure that the fluid once entering the tester will stay in the tester and once it left the tester to go the sampler did not flow back, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the assembly disclosed by Beck to have a check valves as taught by McGready.

Allowable Subject Matter

7. Claim 207 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 217-218 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 187-206 and 208-216 and 220-221 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gmc

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